

After the New York Presbyterian Defendants (the "NYP Defendants") filed their motion to dismiss (ECF No. 79), on February 22, 2022, Plaintiff filed a Second Amended Complaint (ECF No. 96 (the "SAC")). The NYP Defendants may refile a motion to dismiss directed at the SAC by **March 31, 2022**.

The Clerk of Court is respectfully directed to close ECF Nos. 79 and 97 and to mail a copy of this Order to Plaintiff pro se David Grazette at the address below.

SO ORDERED 3/3/2022

Mail To: David Grazette  
285 Pulaski St. Apt 4R  
Brooklyn, New York 11206

  
SARAH L. CAVE  
United States Magistrate Judge

NEW YORK, NY  
EAST MEADOW, NY  
WHITE PLAINS, NY  
ROSELAND, NJ  
ROCHESTER, NY  
STAMFORD, CT

**BY ECF**

The Honorable Sarah L. Cave  
Magistrate Judge  
United States District Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: **David Grazette v. City of New York, et. al.**  
Civil Action No. 20 CV 965 (AJN) (SLC)  
MCB File No. 95-87134

Dear Judge Cave:

We represent the defendants The New York and Presbyterian Hospital, s/h/a New York-Presbyterian Healthcare System, also s/h/a New York Presbyterian Regional Hospital Network and Sharon Hird, M.D., s/h/a Sharon Hird in the above-referenced action.

On January 18, 2022, we filed a pre-Answer motion to dismiss plaintiff's Amended Complaint pursuant to Rules 8(a)(2) and 12(b)(6) of the Federal Rules of Civil Procedure (Doc. #79-84).

While the motion was pending, the City codefendants identified the "John Doe" police officers who were named in plaintiff's Amended Complaint. Accordingly, Your Honor directed plaintiff to file a Second Amended Complaint, naming the appropriate defendants (Doc. #95). Your Honor noted that the Amended Complaint "will entirely replace" the operative complaint (Doc. #95).

Plaintiff served a Second Amended Complaint on February 22, 2022 (Doc #96). Other than naming the individual police officers involved in the incident in place of the "John Doe" defendants, the Second Amended Complaint is identical to the first Amended Complaint that we are seeking to dismiss.

February 24, 2022  
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Accordingly, it is respectfully requested that defendants' pending motion be deemed as addressed to the Second Amended Complaint.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

MARTIN CLEARWATER & BELL LLP

A handwritten signature in black ink, appearing to read 'GJR', followed by a stylized surname that looks like 'Radomisli'.

Gregory J. Radomisli (GJR 2670)

cc: **BY REGULAR MAIL**

David Grazette  
Plaintiff *Pro Se*  
285 Pulaski Street  
Apt. 4R  
Brooklyn, New York 11206

**BY ECF**

All other parties